

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 CPR-01 SS-15 NSC-05 SCA-01
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FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 9896
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AMEMBASSY LONDON

C O N F I D E N T I A L BRUSSELS 5083

FOR MAURER, L/EC

E.O. 11652: GDS
TAGS: PDIP,BE
SUBJECT: TRIPARTITE GOLD COMMISSION: DIPLOMATIC STATUS OF THE
SECRETARY GENERAL

REF: BRUSSELS A-22

1. BELGIAN FOREIGN MINISTRY HAS CHANGED ITS MIND ON THE
DIPLOMATIC STATUS IT IS WILLING TO ACCORD THE NEW TGC
SECGEN, MR. COLIN HARRIS. AN INFORMAL TRANSLATION OF THE
MINISTRY'S LATEST NOTE TO THE TGC, DATED MARCH 22, READS
AS FOLLOWS:

BEGIN TEXT. THE FOREIGN MINISTRY ... HAS THE HONOR
TO REFER TO ITS NNOTE OF JANUARY 21, 1977, NO . A 25-95-
O.I. /12/1318, RELATING TO THE NOMINATION OF MR. COLIN
GRENDON HARRIS AS SECRETARY GENERAL OF THE COMMISSION.

IT HAS SINCE NBEEN NOTED THAT MR. HARRIS HAD, AT THE
TIME OF HIS NOMINATION, HIS PERMANENT RESIDENCE IN BELGIUM.
THE MINISTRY HAS THUS DETERMINED THAT, IN VIEW OF REGULATIONS
NOW IN EFFECT, THE SUBJECT DOES NOT MEET CONDITIONS REQUIRED
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IN ORDER TO BENEFIT FROM AN IDENTITY CARD FOR FOREIGNERS
WHICH ACCORDS IMMUNITIES ANALOGOUS TO THOSE OF MEMBERS OF
THE DIPLOMATIC CORPS.

THE MINISTRY, HOWEVER, WILL DELIVER TO MR. HARRIS A
"PERMIS DE SEJOUR SPECIAL" (PERMIT OF SPECIAL RESIDENCE) IN
REPLACEMENT OF HIS FOREIGNER'S IDENTITY CARD. THIS CARD,

WHICH HE SHALL RECEIVE SHORTLY, WILL INCLUDE MENTION OF HIS RESPONSIBILITY AS SECRETARY GENERAL OF THE TRIPARTITE COMMISSION FOR THE RESTITUTION OF MONETARY GOLD, WHICH WILL PERMIT HIM TO SHOW EVIDENCE OF HIS MANDATE, WHENEVER HE IS CALLED UPON TO ACT IN THIS CAPACITY.

IN ADDITION, THE MINISTRY ADDS THAT, IN KEEPING WITH THE TERMS OF ARTICLE 2 OF THE LAW OF AUGUST 1, 1952, MR. HARRIS WILL BENEFIT FROM PRIVILEGES AND IMMUNITIES WHICH ARE NECESSARY FOR HIM TO EXERCISE HIS FUNCTIONS WITH THE COMMISSION IN COMPLETE INDEPENDENCE. (USUAL CLOSE) END TEXT.

2. RESPONSIBLE MFA OFFICIALS HAVE INFORMED US AND HARRIS THAT BELGIAN LAW WAS CHANGED IN THE 1950S TO FORBID CONFERRAL OF DIPLOMATIC STATUS IN BELGIUM TO ANY BELGIAN NATIONAL OR LOCAL RESIDENT. (BELGIAN EC COMMISSIONERS, FOR EXAMPLE, DO NOT HAVE THE DIPLOMATIC STATUS ROUTINELY GIVEN THEIR PEERS.) EX-SEC GEN WATSON HAD A CARD WHICH GAVE HIM STATUS FULLY ANALOGOUS TO THAT OF FOREIGN DIPLOMAT, WHICH HE RECEIVED BEFORE THIS CHANGE AND WHICH THE MFA APPARENTLY NEVER BOTHERED TO MODIFY.

3. THE 1952 LAW REFERRED TO INFORMALLY ESTABLISHES THE STATUS OF THE TGC IN BELGIUM. THE CITATION IS A DIRECT QUOTE OF PROVISIONS IN ARTICLE 2 COVERING THE QUESTION OF DIPLOMATIC IMMUNITY FOR THE COMMISSIONERS, THEIR DEPUTIES AND/ OR THE SECRETARY GENERAL. COPY OF THE LAW ALONG WITH THE MINISTRY'S NOTE BEING POUCHED.

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4. THE "PERMIS DE SEJOUR SPECIAL" IS ISSUED TO VARIOUS TYPES OF FOREIGNERS IN BELGIUM WHO HAVE SOME SPECIAL BUT NOT DIPLOMATIC IDENTITY. AN EXAMPLE IS THIS EMBASSY'S AMERICAN STAFF NOT ON THE DIPLOMATIC LIST. OTHER MIGHT GO TO CERTAIN PRESTIGIOUS RESIDENTS; E. G., EXILED ROYALTY OR DIPLOMATS NOT ACCREDITED TO BELGIUM (OR NOT TO MAJOR INTERNATIONAL ORGANIZATIONS HERE). THE FOREIGN MINISTRY BELIEVES THAT THIS STATUS, ALONG WITH PROVISIONS CITED IN THE 1952 LAW, ENSURES THAT HARRIS WILL HAVE DIPLOMATIC PROTECTION IN HIS FUNCTION IF NOT IN HIS PERSON AND WILL BE SUFFICIENT TO ACCORD HIM IMMUNITY AGAINST POSSIBLE LEGAL ACTION (E.G. BY DISGRUNTLED CLAIMANTS AND/OR THE BELGIAN COURTS) AGAINST HIM OR THE TGC OFFICE.

5. ACTION REQUESTED: THE EMBASSY DOES NOT POSSESS THE LEGAL EXPERTISE REQUIRED TO MAKE A JUDGMENT OR RECOMMENDATION IN THIS CASE. ACCORDINGLY, WE WOULD APPRECIATE THE DEPARTMENT'S VIEW AS TO WHETHER IT SEES ANY DIFFICULTIES

WITH THIS ARRANGEMENT. WE WILL SUPPLY ADDITIONAL BACK-
GROUND OR CONSULT LOCAL LAWYERS, IF NEEDED. BRITISH AND
FRENCH COMMISSIONERS ARE MAKING THE SAME INQUIRY OF THEIR
GOVERNMENTS.
RENNER

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